

1 DAVID T. BIDERMAN, Bar No. 101577  
2 TIMOTHY J. FRANKS, Bar No. 197645  
3 M. CHRISTOPHER JHANG, Bar No. 211463  
4 FARSHAD FARZAN, Bar No. 215194  
5 **PERKINS COIE LLP**  
6 Four Embarcadero Center, Suite 2400  
7 San Francisco, California 94111  
8 Telephone: (415) 344-7000  
9 Facsimile: (415) 344-7050  
10 Email: DBiderman@perkinscoie.com  
11 Email: TFranks@perkinscoie.com  
12 Email: CJhang@perkinscoie.com  
13 Email: FFarzan@perkinscoie.com

14 Attorneys for Defendant GOOGLE INC.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

10 CLRB HANSON INDUSTRIES, LLC d/b/a  
11 INDUSTRIAL PRINTING, and HOWARD  
12 STERN, on behalf of themselves and all others  
13 similarly situated,

14 Plaintiffs,

15 v.

16 GOOGLE INC.,

17 Defendant.

18 CASE NO. C 05-03649 JW

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF DAVID T.  
BIDERMAN IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION UNDER LOCAL RULE 79-5(d)  
FOR LEAVE TO FILE UNDER SEAL  
PORTIONS OF DOCUMENTS DUE TO  
CONFIDENTIAL DESIGNATIONS BY  
DEFENDANT GOOGLE INC.**

10 Date: January 6, 2009  
11 Time: 10:00 a.m.  
12 Place: Courtroom 5  
13 Judge: Honorable Patricia V. Trumbull

1 I, David T. Biderman, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in all of the courts of the State of  
3 California and this Court, and am an attorney with the law firm of Perkins Coie LLP, counsel for  
4 defendant Google Inc. ("Google") in this action. I have personal knowledge of the facts set forth  
5 below except as to those matters stated on information and belief, and as to those matters, I  
6 believe them to be true. If called upon to testify, I could and would testify competently as to the  
7 matters set forth herein.

8 2. On November 26, 2008, Plaintiffs filed an Administrative Motion Under Local  
9 Rule 79-5(d) For Leave To File Under Seal Portions of Documents Due To Confidential  
10 Designations By Defendant Google, Inc. (Docket No. 284).

11 3. Local Rule 79-5(d) requires Google to file a declaration establishing that the  
12 designated information is sealable, and lodge and serve a narrowly tailored proposed sealing  
13 order.

14 4. Pursuant to Local Rule 79-5(d), I submit this declaration in support of Plaintiffs'  
15 Administrative Motion Under Local Rule 79-5(d) for Leave to File Under Seal Portions of  
16 Documents Due to Confidential Designations by Defendant Google, Inc. Google is concurrently  
17 filing a narrowly tailored proposed sealing order for the Court's consideration.

18 5. Attached as Exhibit A is a true and correct copy of the parties' Stipulated  
19 Protective Order Regarding Confidential Information, filed on March 2, 2007 and executed by  
20 the Court (with amendments) on May 15, 2007.

21 ///

22 ///

23 ///

24 ///

25

26

27

28

6. I have reviewed the following documents and determined that they contain, discuss, or refer to information or documents relating to or containing Google's confidential, proprietary, or trade secret information including Google's billing processes: **Plaintiffs' Motion to Compel Google, Inc.'s Answer to Interrogatories No. 4 and 5 and to Produce Documents in Response to Request for Production No. 29**, and **Exhibit 6 to the Declaration of Rachel S. Black in Support of Plaintiffs' Motion to Compel Google, Inc.'s Answer to Interrogatories No. 4 and 5 and to Produce Documents in Response to Request for Production No. 29**.

I declare under penalty of perjury under the laws of the State of California and the United States that each of the above statements is true and correct.

Executed on December 4, 2008, in San Francisco, California.

PERKINS COIE LLP

By: \_\_\_\_\_ /S/  
David T. Biderman